

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Detroit District October 11, 2006

FILE NUMBER: 05-157-020-0

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** Y **Date:** October 11, 2006
(Y/N)

At the project site N **Date:** September 25, 2006
(Y/N)

PROJECT LOCATION INFORMATION:

State: Indiana

County: Noble

Center coordinates of site by latitude & Lat: 041-17-16.02

longitude coordinates: Long: 85-26-02.57

Approximate size of site/property (including uplands) in acres 2 acres

Name of waterway or watershed: 04050001

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?		X			
¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.					

TYPE OF DETERMINATION: **Preliminary Or Approved X**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

The site is located just south of Albion, Indiana within the city limits of Merriam. Merriam is a small town and the wetlands appear to be contained between State Road 9 and County Road S 50 W.

There is no connection to the Gandy Ditch which headwaters begin less than 1 mile to the west. The aerial, Topo and NWI maps do not reveal any connection either and a drive around the sites (as access onto the site was denied) surrounding area did not expose any hidden connection through roadside ditches or the like. Subsequently, without the connection to other waters of the U.S. the site has been determined to be isolated.